

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

MARK OTIS BOATWRIGHT,

Plaintiff

VS.

IVEY SPENCER, *et al.*,

Defendants

NO. 5: 05-CV-270 (CAR)

**PROCEEDINGS UNDER 42 U.S.C. §1983  
BEFORE THE U. S. MAGISTRATE JUDGE**

**O R D E R**

The plaintiff in above-styled action has filed a Motion to Amend his Complaint<sup>1</sup> (Tab #35) and a Motion to Admit Documents (Tab #36), the latter of which is accompanied by over 200 pages of exhibits (Tabs #36 and 38). The defendants have filed a Response to the Motion to Amend (Tab #39).

The plaintiff prays leave to amend his complaint to include allegations that defendant COLSON failed to use appropriate judgment with respect to the provisions for medical care at Sumter County Correctional Facility. Tab #35 at 25 & 26. The plaintiff also includes complaints against no specific party regarding a supplemental state law tort action of medical malpractice and complaints regarding the conditions of his confinement at Men's State prison, which the court will interpret liberally since the plaintiff is proceeding *pro se* as meaning all alleged violations of the plaintiff's rights while at Men's State were the result of defendant COLSON's transferring him to that facility.

The plaintiff's Motion to Amend comes after all responsive pleadings have been filed and the defendants have submitted a Motion for Summary Judgment. Additionally, the new complaints against defendant COLSON include nothing that was already known to the plaintiff at the time of his original filing. The state malpractice allegation does not set forth specific causes of action against any person. The plaintiff's request to amend his complaint (Tab #35) is therefore DENIED.

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<sup>1</sup>The plaintiff's Motion to Amend is incorporated into his Response to the defendants' Motion for Summary Judgment (Tab #26). The Response also includes a request that the court appoint a medical expert pursuant to Rule 706 of the Federal Rules of Evidence but provides no justification for his request and is DENIED.

The exhibits the plaintiff submitted (Tabs #36 & 38) will be admitted for the limited purpose of ruling on the defendants' Motion for Summary Judgment (Tab #26), and the plaintiff's Motion to Admit Documents (Tab #36) is therefore GRANTED for that limited purpose.

SO ORDERED AND DIRECTED, this 23<sup>rd</sup> day of June, 2006.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr." The signature is fluid and cursive, with the first name "Claude" being the most prominent.

CLAUDE W. HICKS, JR.  
UNITED STATES MAGISTRATE JUDGE